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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,232	11/12/2003	Marko Torma	KOLS.061PA	9486

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EXAMINER
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BIAGINI, CHRISTOPHER D

ART UNIT	PAPER NUMBER
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2142

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/712,232	Applicant(s) TORMA, MARKO	
	Examiner Christopher D. Biagini	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/12/2003, 2/20/2004</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 11/20/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the document numbers listed do not appear to be proper US Pre-Grant Publication numbers. The Examiner notes, however, that Pivowar et al. and Spaey et al. have publications with similar document numbers: 2002/0059375 and 2002/0059299, respectively.
2. The statement has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 3, 5, 6, 8, 9, 11, 13, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chase, Jr. (US Pat. No. 5,974,238, hereinafter "Chase").

5. Regarding claim 1, note that the preamble of the claim has been given patentable weight, as limitations in the body of the claim refer to elements introduced in the preamble (i.e., "the first synchronization device" on line 5).

6. Chase shows a method for arranging a first synchronization session between a first synchronization device (handheld computer H) and a second synchronization device (desktop computer C), wherein a first synchronization session is set up between the first synchronization device and the second synchronization device, the method comprising:

7. defining automatically and storing role information (comprising a "modified bit" or tag: see step 350 in Fig. 10 and lines 45-49 of col. 16) on the first synchronization device, which indicates whether the first synchronization device should serve as a client or a sync server in at least one subsequent synchronization session (the state of the bit indicating that data on the handheld is "dirty" and should act as a client; that is, handheld C should push changes to computer C: see step 360 and col. 15, lines 20-27),

8. checking said role information for the first synchronization device in response to a need for initiating a second synchronization session between the first synchronization device and the second synchronization device (comprising observing a change in a unit of data: see col. 3, lines 37-39 and col. 11, lines 18-36), and

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9. initiating the second synchronization session from the first synchronization device in accordance with said role information (comprising pushing the changes to the computer C: see step 360 and col. 17, lines 1-5).

10. Regarding claim 3, Chase shows the limitations of claim 1 as applied above, and further shows wherein a client initialization message for initiating the first synchronization session is transmitted from the first synchronization device to the second synchronization device (comprising a "modify packet": see step 354 in Fig. 10),

11. an acknowledgement is received from the second synchronization device (step 356),

12. in response to the acknowledgement, synchronization client is stored during the role information storing step as the role information for the first synchronization device (necessarily the case, as handheld computer C acts as a client thereafter: see steps 360 and 361).

13. Regarding claim 5, Chase shows the limitations of claim 1 as applied above, and further shows wherein said role information is application-specific so that separate role information is stored in the device for each application in the device (see col. 12, lines 51-54 and note that data elements are tracked at least at the level of granularity of an application, as appointments, phone numbers, and action items are each treated separately).

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14. Regarding claim 6, Chase shows the limitations of claim 1 as applied above, and further shows wherein the default value of said role information is synchronization client, and the role information is not stored as the role of the device (see col. 14, lines 30-40, and note that the device functions as a client and pushes updates when the “exclusive bit” is zero; that is, when no information is stored).

15. Regarding claim 8, Chase shows the limitations of claim 1 as applied above, and further shows wherein storing mapping information describing the sameness of data items only on the device, the role of which is synchronization server (see col. 14, lines 48-51).

16. Regarding claim 9, Chase shows the limitations of claim 1 as applied above, and further shows wherein the data being synchronized is user data (see col. 12, lines 51-54).

17. Regarding claims 11, 13, 15, and 16, the claims correspond to claims 1 and 8, and are rejected for the same reasons as given above.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase (US Pat. No. 5,974,238) in view of "SyncML Sync Protocol, version 1.1.1" (hereinafter "the SyncML protocol"), and further in view of Hawkins et al. (US Pat. No. 6,330,618, hereinafter "Hawkins").

20. Regarding claim 2, Chase shows the limitations of claim 1 as applied above, and further shows wherein a client initialization message for initiating the first synchronization session is transmitted from the first synchronization device to the second synchronization device (comprising a "modify packet": see step 354 in Fig. 10).

21. Chase does not show wherein an error message is received from the second synchronization device,

22. a server initialization message is transmitted from the first synchronization device to the second synchronization device in response to the error message, and

23. synchronization server is stored during the role information storing step as the role information for the first synchronization device.

24. The SyncML protocol shows wherein an error message is received from a second synchronization device in response to a client initialization request (see item 2 on page 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Chase with the error message taught by SyncML in order to alert the requesting device that an error had occurred.

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25. Hawkins shows storing synchronization server as role information (that is, preparing for a data push from the sync manager) in response to an error (the error comprising a data failure: see step 250 in Fig. 2, and lines 49-63). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Chase in view of the SyncML protocol with the storing of role information taught by Hawkins in order to recover the data on a device after an error occurs.

26. The SyncML protocol shows a server initialization message being transmitted from a first device to a second device (see Fig. 6 on p. 27). It would have been obvious to further modify the system of Chase in view of the SyncML protocol with the initialization message in order to allow the first device to indicate its readiness for data and to complete the restoration process without requiring the use of a proprietary synchronization protocol.

27. Regarding claim 14, the claim corresponds to claim 2, and is rejected for the same reasons as given above.

28. Claims 4, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase (US Pat. No. 5,974,238) in view of Flanagan et al. (US Pat. No. 6,272,545, hereinafter "Flanagan").

29. Regarding claim 4, Chase shows the limitations of claim 1 as applied above, but does not show wherein the role information is associated with the second



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synchronization device on the basis of the identifier of the second synchronization device, and

30. the role information associated with the identifier of the second synchronization device is searched from the stored role information in the first synchronization device in response to a need to initiate a second synchronization session with the second synchronization device.

31. Flanagan shows wherein role information is associated with a second synchronization device on the basis of the identifier of the second device (see col. 7, lines 20-32), and

32. the role information associated with the identifier of the second synchronization device is searched from the stored role information in the first synchronization device in response to a need to initiate a second synchronization session with the second synchronization device (see col. 8, lines 10-45).

33. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Chase with the device identification taught by Flanagan in order to permit multiple mobile devices to interact with a single desktop computer (see col. 2, lines 8-15).

34. Regarding claim 7, Chase shows the limitations of claim 1 as applied above, but does not show wherein said role information is stored in a third device that is other than said first or second device.

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35. Flanagan shows storing role information on a third device that is other than a first or second synchronization device (see col. 3, line 54-61).

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Chase with the off-device storage taught by Flanagan in order to relieve individual devices of the burden of storing role information.

37. Regarding claim 12, the claim corresponds to claim 7, and is rejected for the same reasons as given above.

38. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase (US Pat. No. 5,974,238) in view of Sutinen et al. (US PG PUB 2002/0161769, hereinafter "Sutinen").

39. Chase shows the limitations of claim 1 as applied above, but does not show wherein the first synchronization device and the second synchronization device support the SyncML standard.

40. Sutinen shows supporting the SyncML standard (see [0003]-[0004]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Chase to use SyncML as taught by Sutinen in order to exchange data using a well-known, open standard.

***Conclusion***

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

42. Lemke (US Pat. No. 6,748,403) is directed to synchronization devices changing roles on the occurrence of an error condition.

43. Kucala (US Pat. No. 5,727,202) is directed to the synchronization of data devices.

44. Falls et al. (US Pat. No. 5,991,771) is directed to synchronization devices changing roles as necessary to maintain coherency despite an intermittent connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on M-R 7:30-5, 7:30-4 alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 11, 2007



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SUPERVISORY PATENT EXAMINER